

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHIEFTAIN ROYALTY COMPANY,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-18-1225-J
)	
SM ENERGY COMPANY (including)	
Predecessors, successors and affiliates),)	
Defendant.)	

**NOTICE REGARDING EXPIRATION OF DEADLINES FOR FILING
REQUESTS FOR EXCLUSION AND OBJECTIONS**

Class Representative, Chieftain Royalty Company, on behalf of itself and all others similarly situated, respectfully files this Notice Regarding Expiration of Deadlines for Filing Requests for Exclusion and Objections, and shows the Court as follows:

I. PROCEDURAL BACKGROUND

Pursuant to the Court’s Order Granting Preliminary Approval of Class Action Settlement, Certifying the Class for Settlement Purposes, Approving Form and Manner of Notice, and Setting Date for Final Fairness Hearing (Dkt. No. 97) (the “Preliminary Approval Order”), Class Counsel and the Settlement Administrator conducted an extensive notice campaign, consisting of the following:

- **February 12, 2021**: The Settlement Administrator established a dedicated website (www.chieftain-smenergy.com), which hosts copies of important case documents, answers to frequently asked questions, as well as contact information for the Settlement Administrator (*see* Declaration of Jennifer M. Keough on Behalf of Settlement Administrator, JND Legal Administration LLC, Regarding Class Notice Mailing and Administration of Settlement, at ¶10 (the “JND Decl.”) (Dkt. No. 105-4);

- **February 23, 2021**: 4,368 Short Form Notices were directly mailed to Class Members. *See* Declaration of Jennifer M. Keough on Behalf of Settlement Administrator, JND Legal Administration LLC, Regarding Class Notice Mailing and Administration of Settlement (the “JND Decl.”) (Dkt. No. 105-4) at ¶8;
- **February 23, 2021**: JND established a case-specific toll-free telephone number (1-833-667-1231) with an interactive voice recording (IVR) that Class Members can use to obtain more information about the Settlement or to speak to an associate if they have any further questions. *Id.* at ¶12; and
- **March 3-9, 2021**: JND caused the Summary Notice of Settlement to appear in *Coalgate Record Register*; *Fairview Republican*; *The McAlester News-Capital*; *The Tulsa World*; *The Oklahoman*; *The Daily Ardmoreite*; *The Hughes County Tribune* (formerly *The Holdenville Tribune*). *Id.* at ¶9.

On March 29, 2021, Class Counsel and Class Representative filed their: (1) Motion for Final Approval and Memorandum of Law in Support (Dkt. Nos. 104 & 105); (2) Motion for Approval of Attorneys’ Fees and Memorandum of Law in Support (Dkt. Nos. 106 & 107); (3) Motion for Approval of Reimbursement of Litigation Expenses and Memorandum of Law in Support (Dkt. Nos. 108 & 109); and (4) Motion for Approval of Case Contribution Award and Memorandum in Support (Dkt. Nos. 110 & 111) (collectively, the “Final Approval Documents.”). The Final Approval Documents also were posted on the Settlement website. *See* www.chieftain-smenergy.com/documents. The Final Approval Documents were filed with the Court two weeks prior to the objection deadline—April 12, 2021—to give Settlement Class Members sufficient opportunity to review and analyze the documents.

The Settlement Class has demonstrated *unanimous* support for the Settlement, as discussed below.

II. REQUESTS FOR EXCLUSION

Any Settlement Class Member seeking exclusion from the Settlement was required to submit a valid and timely Request for Exclusion to the Settlement Administrator, Defendant's Counsel, and Plaintiff's Counsel by April 12, 2021. *See* Preliminary Approval Order, ¶14; JND Decl. at ¶14 & Ex. A.

No Requests for Exclusion were submitted or received. *See* JND Decl. at ¶15; *see also* Supplemental Declaration of Jennifer M. Keough on Behalf of Settlement Administrator, JND Legal Administration LLC, Regarding Notice Mailing and Administration of Settlement at ¶6 (the "Supplemental JND Decl."), attached hereto as Exhibit A.

Because the deadline for submitting Requests for Exclusion expired over a week ago, there will be no timely, valid Requests for Exclusion.

The fact that 100% of the Settlement Class chose to remain in the Class and participate in the Settlement is highly probative of the fairness and reasonableness of the Settlement and all pending Motions.

III. OBJECTIONS

Any Class Member who wished to object to any aspect of the Settlement, Allocation Methodology, the Initial Plan of Allocation, the request for Plaintiff's Attorneys' Fees and Litigation Expenses, or the request for a Case Contribution Award to Class Representative was required to submit a written objection to the Court, Plaintiff's Counsel and Defendant's Counsel no later than April 12, 2021. *See* Preliminary Approval Order, ¶15; JND Decl. at ¶16 & Ex. A.

No objections were submitted or received. *See* Supplemental JND Decl. at ¶7.

Because the deadline for submitting objections expired over a week ago, there will be no timely, valid objections.

As discussed more fully below, the Settlement Class's unanimous support of the Settlement weighs strongly in favor of final approval.

IV. THE SETTLEMENT CLASS'S UNANIMOUS SUPPORT OF THE SETTLEMENT, ALLOCATION METHODOLOGY, INITIAL PLAN OF ALLOCATION, THE REQUEST FOR ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES, AND CASE CONTRIBUTION AWARD WEIGHS STRONGLY IN FAVOR OF FINAL APPROVAL

The Settlement, Allocation Methodology, Initial Plan of Allocation, Request for Attorneys' Fees and Reimbursement of Litigation Expenses, and Case Contribution Award are fair, reasonable, and should be approved in their entirety. The reaction of the Settlement Class to the Settlement is one of the more significant factors to be weighed in considering its adequacy—and overwhelming class support of a settlement and a request for attorneys' fees, expenses, and case contribution award weighs strongly in favor of final approval. *See, e.g., In re Crocs, Inc. Secs. Litig.*, 306 F.R.D. 672, 691-92 (D. Colo. 2014); *In re Merrill Lynch Tyco Research Secs. Litig.*, 249 F.R.D. 124, 134 (S.D.N.Y. 2008).

Here, 4,368 Short Form Notices were mailed to the Settlement Class, and additional notice was provided through publication both online and in multiple prominent newspapers. The fact there is **no objection** to the Settlement, Allocation Methodology, Initial Plan of Allocation, request for Plaintiff's Attorneys' Fees and Litigation Expenses, or Case Contribution Award to Class Representative, demonstrates unanimous support by the Settlement Class, and weighs strongly in favor of final approval. Similarly, the fact that

there are **no Requests for Exclusion**, which is extremely rare, further weighs strongly in favor of final approval.

V. CONCLUSION

Based on the foregoing, as well as the evidence, law, and arguments previously submitted to the Court and those that will be submitted at the Final Fairness Hearing on April 27, 2021, Class Representative and Class Counsel respectfully request that the Court enter orders granting final approval of: (1) the Settlement as fair, reasonable and adequate, and in the best interests of the Settlement Class; (2) the form and manner of the Notice to Class Members, (3) the Initial Plan of Allocation, (4) the request for Attorneys' Fees, (5) the request for reimbursement of Litigation Expenses, and (6) the request for a Case Contribution Award.

DATED: April 20, 2021.

Respectfully submitted,

/s/ Bradley E. Beckworth

Bradley E. Beckworth, OBA No. 19982

Jeffrey Angelovich, OBA No. 19981

Lisa P. Baldwin, OBA No. 32947

Trey Duck, OBA No. 33347

Nathan Hall, OBA No. 32790

NIX PATTERSON, LLP

3600 North Capital of Texas Highway

Building B, Suite 350

Austin, TX 78746

Telephone: (512) 328-5333

Facsimile: (512) 328-5335

bbeckworth@nixlaw.com

jangelovich@nixlaw.com

lbaldwin@nixlaw.com

tduck@nixlaw.com

nhall@nixlaw.com

Susan Whatley, OBA No. 30960
NIX PATTERSON, LLP
P.O. Box 178
Linden, Texas 75563
Telephone: (903) 215-8310
swhatley@nixlaw.com

Robert N. Barnes, OBA No. 537
Patranell Lewis, OBA No. 12279
Emily Nash Kitch, OBA No. 22244
BARNES & LEWIS, LLP
208 NW 60th Street
Oklahoma City, OK 73118
Telephone: (405) 843-0363
Facsimile: (405) 832-1007
rbarnes@barneslewis.com
plewis@barneslewis.com
ekitch@barneslewis.com

CLASS COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send email notification of such filing to all registered parties.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: April 20, 2021.

/s/ Bradley E. Beckworth
Bradley E. Beckworth